

**INVESTIGATION AND PROSECUTION OF OFFENSES
AGAINST PUBLIC ADMINISTRATION, INCLUDING ETHICS
OFFENSES**

CHAPTER 927

H.B. No. 1690

AN ACT

relating to the investigation and prosecution of offenses against public administration, including ethics offenses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT

Sec. 411.0251. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

(2) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

(3) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(4) "State employee" means an individual, other than a state officer, who is employed by:

(A) a state agency;

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or

(C) either house of the legislature or a legislative agency, council, or committee, including the Legislative Budget Board, the Texas Legislative Council, the State Auditor's Office, and the Legislative Reference Library.

(5) "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency.

Sec. 411.0252. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

(1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;

(2) an offense under Chapter 301, 302, 571, 572, or 2004 committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment or by a candidate for state office;

(3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office; and

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state office; or

(B) an election on a proposed constitutional amendment.

Sec. 411.0253. PUBLIC INTEGRITY UNIT. (a) The Texas Rangers division of the department shall establish and support a public integrity unit.

(b) On receiving a formal or informal complaint regarding an offense against public administration or on request of a prosecuting attorney or law enforcement agency, the

public integrity unit may perform an initial investigation into whether a person has committed an offense against public administration.

(c) *The Texas Rangers have authority to investigate an offense against public administration, any lesser included offense, and any other offense arising from conduct that constitutes an offense against public administration.*

(d) *If an initial investigation by the public integrity unit demonstrates a reasonable suspicion that an offense against public administration occurred, the matter shall be referred to the prosecuting attorney of the county in which venue is proper under Section 411.0256 or Chapter 13, Code of Criminal Procedure, as applicable.*

(e) *The public integrity unit shall, on request of the prosecuting attorney described by Subsection (d), assist the attorney in the investigation of an offense against public administration.*

Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE. *The prosecuting attorney shall notify the public integrity unit of:*

- (1) the termination of a case investigated by the public integrity unit; or*
- (2) the results of the final disposition of a case investigated by the public integrity unit, including the final adjudication or entry of a plea.*

Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE JUDICIAL REGION. (a) *In this section, "judges" means the presiding judges of the administrative judicial regions.*

(b) *A prosecuting attorney may request that the court with jurisdiction over the complaint permit the attorney to recuse himself or herself for good cause in a case investigated under this subchapter, and on submitting the notice of recusal, the attorney is disqualified.*

(c) *Following the recusal of a prosecuting attorney under Subsection (b), the judges shall appoint a prosecuting attorney from another county in that administrative judicial region by majority vote. A prosecuting attorney selected under this subsection has the authority to represent the state in the prosecution of the offense.*

(d) *The prosecutor selected under this section may pursue a waiver to extend the statute of limitations by no more than two years. If the waiver adds less than two years to limitations, the prosecutor may pursue a successive waiver for good cause shown to the court, providing that the total time of all waivers does not exceed two years.*

Sec. 411.0256. VENUE. *Notwithstanding Chapter 13, Code of Criminal Procedure, or other law, if the defendant is a natural person, venue for prosecution of an offense against public administration and lesser included offenses arising from the same transaction is the county in which the defendant resided at the time the offense was committed.*

Sec. 411.0257. RESIDENCE. *For the purposes of this subchapter, a person resides in the county where that person:*

- (1) claims a residence homestead under Chapter 41, Property Code, if that person is a member of the legislature;*
- (2) claimed to be a resident before being subject to residency requirements under Article IV, Texas Constitution, if that person is a member of the executive branch of this state;*
- (3) claims a residence homestead under Chapter 41, Property Code, if that person is a justice on the supreme court or judge on the court of criminal appeals; or*
- (4) otherwise claims residence if no other provision of this section applies.*

Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) *To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit and prosecuting attorney by providing resources and information requested by the unit as necessary to carry out the purposes of this subchapter.*

(b) *Information disclosed under this section is confidential and not subject to disclosure*

under Chapter 552.

Sec. 411.0259. SUBPOENAS. (a) In connection with an investigation of an alleged offense against public administration, the public integrity unit may issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is in this state.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the public integrity unit, acting through the general counsel of the department, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

SECTION 2. Chapter 41, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PAYMENTS FOR PUBLIC INTEGRITY PROSECUTIONS

Sec. 41.351. DEFINITIONS. In this subchapter:

(1) "Offense against public administration" means an offense described by Section 411.0252.

(2) "Prosecuting attorney" means a county attorney, district attorney, or criminal district attorney.

Sec. 41.352. PAYMENT FOR EXTRAORDINARY COSTS OF PROSECUTION. The comptroller shall pay from funds appropriated to the comptroller's judiciary section, from appropriations made specifically for enforcement of this section, reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration.

SECTION 3. Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the appropriate prosecuting [Travis County district] attorney as provided under Section 411.0253(d) under the seal of the senate or house of representatives, as appropriate.

(c) The prosecuting [Travis County district] attorney to whom a statement of facts is certified under Subsection (a) or the prosecutor selected under Section 411.0255, if applicable, shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the prosecuting [district] attorney shall prosecute the indictment.

SECTION 4. Section 411.022, Government Code, is amended by adding Subsection (c) to read as follows:

(c) An officer of the Texas Rangers has the authority to investigate offenses against public administration prosecuted under Subchapter B-1.

SECTION 5. (a) Not later than three months after the effective date of this Act, the Department of Public Safety shall establish the public integrity unit under Subchapter B-1, Chapter 411, Government Code, as added by this Act.

(b) Subchapter B-1, Chapter 411, Government Code, as added by this Act, applies only to the investigation and prosecution of an offense under Subchapter B-1, Chapter 411, Government Code, committed on or after the date that the Department of Public Safety establishes the public integrity unit. For purposes of this subsection, an offense is committed if any element of the offense occurs before the date described by this subsection.

(c) The prosecution of an offense committed before the date described in Subsection (b) of this section is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. This Act takes effect September 1, 2015.

Passed by the House on April 21, 2015: Yeas 95, Nays 49, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 1690 on May 27, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 1690 on May 30, 2015: Yeas 96, Nays 51, 1 present, not voting; passed by the Senate, with amendments, on May 25, 2015: Yeas 20, Nays 11; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 1690 on May 30, 2015: Yeas 20, Nays 11.

Approved June 18, 2015.

Effective September 1, 2015.

**TRANSFER OF CERTAIN STATE PROPERTY FROM THE
TEXAS DEPARTMENT OF TRANSPORTATION TO THE
UNIVERSITY OF HOUSTON**

CHAPTER 928

H.B. No. 1982

AN ACT

relating to the transfer of certain state property from the Texas Department of Transportation to the University of Houston.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) Not later than December 31, 2015, the Texas Department of Transportation shall donate and transfer to the University of Houston the real property described by Subsection (e) of this section.

(b) The University of Houston may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If the University of Houston uses the property for any purpose other than a purpose described by this subsection, ownership of the property automatically reverts to the Texas Department of Transportation.

(c) The Texas Department of Transportation shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must:

(1) provide that:

(A) the University of Houston may use the property only for a purpose that benefits the public interest of the state; and

(B) ownership of the property will automatically revert to the Texas Department of Transportation if the University of Houston uses the property for any purpose other than a purpose described by Paragraph (A) of this subdivision; and

(2) describe the property to be transferred by metes and bounds.

(d) The Texas Department of Transportation shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Fort Bend County.

(e) The real property referred to in this section consists of the following three tracts of land: